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Attorney for Defendant
ROBERT ALLEN POOLEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:21-cr-00111-WBS
)	
Plaintiff,)	BRIEF IN SUPPORT OF REQUEST TO SET
)	BRIEFING SCHEDULE
vs.)	
)	
ROBERT ALLEN POOLEY,)	
)	Judge: Hon. William B. Shubb
Defendant.)	
)	

On June 7, the defense filed a motion for judgment of acquittal as to Count 5. Dkt. 143. The motion raises a single issue: whether the signature of Yuri Garmashov was “at the crux” of the fraud on the tandem instructor candidates. *See generally id.* This issue was flagged by the defense in its Rule 12 motions, filed February 5, 2024. The issue was again raised in the defense trial brief, filed May 6, 2024, and proposed jury instructions, filed the same day. The issue was raised yet again in the defense Rule 29 motions following the close of the government’s case, and again after the close of all the evidence. After the verdicts came in on May 24, the defense indicated orally on the record that it intended to file a written Rule 29 motion challenging Count 5. Suffice it to say that the government has been on notice about this issue.

Accompanying its motion for judgment of acquittal, the defense filed a request for a briefing schedule, which modified the standard briefing schedule in the local rules by allowing a few extra days for both the opposition and reply. Dkt. 144. The defense did not consult the

government attorneys before filing that request, which the defense should have done. The defense instead reached out to the government after filing the request. The government indicated that the schedule did not work and requested a hearing date of July 29. Shortly thereafter, the government advised that actually July 29 was not possible and requested a hearing date of August 19.

The parties were unable to resolve the issue, and the defense now files this request for a briefing schedule as follows:

Government's Opposition	June 24, 2024
Defendant's Reply	July 1, 2024
Hearing Date	July 8, 2024

The defense disagrees that August 19 (requested by the government) is a reasonable date to hear the motion for judgment of acquittal. To begin, by that time, everyone will have forgotten the trial testimony, which concluded on May 24, and will need to relearn the case from the transcripts. Second, Count 5 will affect the PSR and its recommended sentence, because it is the only charge carrying a 2-year mandatory term of imprisonment. The sentencing date is set for August 26. If the motion for acquittal is heard just a week earlier on August 19, the PSR will already be complete, formal objections will already be filed, and the parties' sentencing memos will be due that same day.

The motion for judgment of acquittal should be heard in a timely manner. The defense is open to any hearing date in July including any specially set date at the convenience of the Court.

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1 If the Court would like to discuss scheduling with the parties, the defense can be
2 available on June 17 at 9 a.m. for a status conference.

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4 Respectfully submitted,

5 HEATHER E. WILLIAMS
6 Federal Defender

7 Date: June 12, 2024

8 /s/ Mia Crager
9 MIA CRAGER
10 Assistant Federal Defender
11 Attorneys for Defendant
12 ROBERT POOLEY
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